

-13-

REMARKS

The Examiner has rejected Claim 12 under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically the Examiner states that Claim 12 lacks proper antecedent basis. Applicant emphasizes that such rejection has been avoided by virtue of the clarifications made hereinabove to Claim 12.

The Examiner has further rejected Claims 1-7, 10, 11, 14, 17-19, 21-24, 26, 29, 32, 34, 35 and 37 under 35 U.S.C. 102(b) as being unpatentable over Hawkins et al. (U.S. Patent No. 6,006,274). Applicant respectfully disagrees with this rejection, in view of the amendments made hereinabove. Specifically, applicant emphasizes the inclusion of the subject matter of Claims 14, 29, and 37 et al. into each of the independent claims.

With regard to the subject matter of Claims 14, 29 and 37 (now present in each pending independent claim), the Examiner cites the following excerpt in Hawkins to make a prior art showing of applicant's claimed "wherein performing maintenance on the handheld computer comprises running diagnostics on the handheld computer."

"... As described in a previous section, the data records on the portable computer system each have flags that specified if the record is new, modified, or deleted since the last synchronization ... To detect the problem of synchronizing with multiple personal computers, the portable computer creates a unique synchronization token after each synchronization. The synchronization token is stored by both the portable computer system and the personal computer system. Later, when synchronization is attempted, the two systems compare synchronization tokens. If the synchronization tokens do not match, then the portable computer system's last synchronization was with a different personal computer system. In such situations, the reconciled database from the previous synchronization with this computer is fetched to perform the current synchronization ... " (Column 4, line 43 - Column, 5 line 22)

Applicant asserts that the claimed "running diagnostics" is in no way suggested by the foregoing excerpt or the remaining Hawkins reference. In the above excerpt,

-14-

Hawkins simply discloses synchronizing data on a portable computer with data on a personal computer. Applicant, on the other hand, teaches and claims running diagnostics on the data from the handheld computer.

Despite the foregoing paramount distinction and in the spirit of expediting the prosecution of the present application, applicant bring's to the Examiner's attention the following paragraph which has been incorporated into each of the independent claims in order to further distinguish applicant's claims from the prior art:

“wherein the diagnostics include an operation selected from the group consisting of checking for broken shortcuts, checking for missing files, checking for temporary files that can be deleted, checking a registry area, deleting games, and deleting proprietary information that employees should not have installed on the handheld computer” (see all of the independent claims).

Applicant emphasizes that Hawkins' disclosure of synchronizing, which is simply sharing information (see abstract), in no way suggests running the specific diagnostics, as claimed.

Applicant further emphasizes the inclusion of the subject matter of Claims 12, 13, 27, 28, and 36 into the independent claims. The Examiner has rejected Claims 12, 13, 27, 28 and 36 under 35 U.S.C. 103(a) as being unpatentable over Hawkins, in view of Tso et al. (U.S. Patent No. 6,421,733). Applicant respectfully disagrees with this assertion.

With regard to the subject matter of Claims 12, 27 and 36 (now present in each pending independent claim), the Examiner relies on the following excerpts in Hawkins and Tso to make a prior art showing of applicant's claimed “reading said data from the handheld computer; storing said data at least temporarily on the computer system; scanning said data for viruses with a virus detection program; and updating data on the handheld computer based on results of the scanning” (see this or similar language in each of the independent claims).

-15-

"As described in the previous section, a personal computer system can easily be equipped with a cradle that allows a portable computer system to synchronize with the personal computer system. In this manner, the information on the portable computer system can be backed-up on the personal computer system." (Hawkins, Column 3, lines 55-60)

"Embodiments of the present invention may also be used to scan content for computer viruses prior to sending such content to network client. For example, an existing virus scanning routine may be installed on transcoding server, possible as a plug-in module. Transcoding server may then be configured to invoke the virus scanning routine to ensure any content transmitted to network client is free of viruses ..." (Tso, Column 9, lines 12-25)

Neither reference, however, discloses, teaches, or even suggests "updating data on the handheld computer based on the results of the scanning." Hawkins describes synchronizing, or sharing, data between a personal computer system and a portable computer system, and Tso only teaches scanning data on a computer system before it is sent to a portable computer. There is simply no mention in the prior art of updating data on a handheld computer based on results of a virus scan.

With regard to the subject matter of Claims 13 and 28 (now present in each pending independent claim), the Examiner relies on the following excerpt in Tso to make a prior art showing of applicant's claimed "cleaning said data of viruses identified during scanning."

"Transcoding server may then be configured to invoke the virus scanning routine to ensure any content transmitted to network client is free of viruses." (Column 9 lines 15-18)

The above excerpt from Tso simply discloses use of a virus scanning routine to ensure content that is transmitted to a network client is not infected with a virus. Tso fails to even suggest cleaning data of a virus when it is found to be infected with a virus, but instead only discloses scanning the data for a virus.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or

-16-

in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the references, when combined, fail to teach or suggest all the claim limitations. A notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

It is further noted that the Examiner's application of the prior art is further deficient with respect to the dependent claims. For example, the Examiner relies on Hawkins' disclosed "Hot Sync Manager" (see Figure 4, items 421 and 463; and column 9, lines 13-15 et al.) to make a prior art showing of applicant's claimed "maintenance manager" (see Claims 10 and 17).

Applicant respectfully asserts that Hawkins' mere mention of a Hot Sync Program that simply "takes over the Synchronization process and performs a fast sync or slow sync as necessary" does not even suggest applicant's claimed maintenance manager, which is "operable to detect whether the maintenance node is the home maintenance node for the handheld computer connected to the maintenance node, locate the home maintenance node for the handheld computer if the maintenance node is not the home maintenance node, open a maintenance session across the network between the located home maintenance node and the connected handheld computer, and perform a maintenance operation using the maintenance database," as claimed.

-17-

In addition, the Examiner relies on Reardon (U.S. Patent No. 6,212,635) to make a prior art showing of applicant's claimed "deleting unauthorized software from the handheld computer" (see Claims 16 and 31). Specifically, the Examiner relies on, "[t]he program restriction subroutine can designed to be either very inflexible (absolutely no unauthorized programs) or safely flexible (unauthorized programs can only be run in special isolated parts of the drive, and will automatically be deleted on a periodic basis)" (see Column 21, lines 18-21 from Reardon).

Such restriction subroutine simply allows "the ability to restrict what programs can be run on a corporation's computer" (see Column 9, lines 6-7). Applicant's claimed "deleting software" that is already on a handheld computer is completely different from Reardon's claimed "restricting software" from being run on a computer.

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the references, when combined, fail to teach or suggest all the claim limitations.

Applicant further brings the Examiner's attention to applicant's added Claims 39-47, which include the following subject matter believed to be allowable:

"wherein the communication link is selected from the group consisting of a serial line, a dial-up line, a network, and a wireless connection" (see Claim 39 et al.);

"wherein the diagnostics include checking for broken shortcuts, checking for missing files, checking for temporary files that can be deleted, checking a registry area, deleting games, and deleting proprietary information that employees should not have installed on the handheld computer" (see Claim 40 et al.);

"wherein the maintenance database contains information on the handheld computer including a personal calendar, contacts, tasks, a list of software and

-18-

corresponding versions installed on the handheld computer, and a history of diagnostics and repairs for the handheld computer” (see Claim 41 et al.);

“wherein the maintenance manager performs functions including displaying advertisements and upgrade offers based on applications installed on the handheld computer” (see Claim 42 et al.);

“wherein the central maintenance node includes a central maintenance manager that has access to a tracking database, a rules database, and a download database containing information to be downloaded to the handheld computer” (see Claim 43 et al.);

“wherein the tracking database contains problem/action information relating to different problems found and different actions taken on a plurality of the handheld computers, configuration information, and software versions contained on each handheld computer; the rules database defines preferred configurations on the handheld computers and identifies software that should not be installed on the handheld computers; and the download database includes software license information that is downloaded to the handheld computers” (see Claim 44 et al.); and

“wherein the central maintenance node includes a user interface which allows a system administrator to configure and update the databases” (see Claim 45 et al.).

Again, a notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

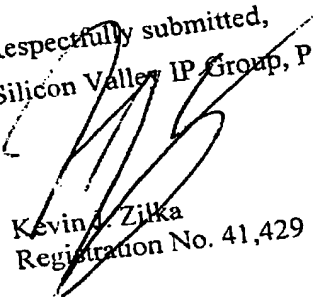
Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. Applicants are

-19-

enclosing a check to pay for the added claims. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP136_00.120.01).

Respectfully submitted,
Silicon Valley IP Group, PC


Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100